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DRAFTED BY: AF/C: KCAISTON
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AF/C: RJFENDRICK

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FM SECSTATE WASHDC
TO AMEMBASSY KIGALI IMMEDIATE

C O N F I D E N T I A L STATE 017117

FOR AMB. RAWSON FROM AF/C - K. AISTON

E.O. 12356: DECL: OADR

TAGS: AMGT

SUBJECT: OFFICIAL - INFORMAL

1. CONFIDENTIAL - ENTIRE TEXT.

2. BELOW IS A DRAFT MEMO FROM ARLENE TO A/S MOOSE ON
IMET AND THE UN ARMS EMBARGO. IT IS BEING CLEARED WITH
AF/RA AND L/AF, AND IS A DECISION MEMO FOR A/S MOOSE.
IT HAS NOT BEEN CLEARED WITH OTHER BUREAUS OR AGENCIES.
ONCE WE HAVE A/S MOOSE'S DECISIONS, WE WOULD TAKE THE
ISSUE TO THE INTERAGENCY GROUP. IF YOU HAVE ANY
COMMENTS, PLEASE GET THEM TO ME AS SOON AS POSSIBLE;
WE'D LIKE TO SEND UP THE MEMO TUESDAY (1/24). THANKS.

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BEGIN TEXT

TO: AF - MR. MOOSE

THROUGH: AF - MS. BUSHNELL

FROM: AF/C - ARLENE RENDER

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: HARRY R. MELONE
DATE/CASE ID: 2 NOV 2001 199501706

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SUBJECT: MILITARY ASSISTANCE TO RWANDA

ISSUE FOR DECISION

WHETHER TO SUPPORT RENEWED IMET OR OTHER MILITARY ASSISTANCE TO RWANDA, AND UNDER WHAT CONDITIONS.

DISCUSSION

OVERVIEW OF THE LEGAL RESTRICTIONS

THERE ARE CURRENTLY SEVERAL RESTRICTIONS ON MILITARY ASSISTANCE TO RWANDA:

-- THE FY95 FOREIGN OPERATIONS APPROPRIATIONS BILL PROHIBITS IMET FUNDING TO RWANDA. THIS PROVISION APPLIES ONLY TO FY95; HOWEVER, IT IS LIKELY TO BE CARRIED OVER INTO NEXT YEAR'S APPROPRIATIONS BILL UNLESS THE ADMINISTRATION SEEKS REPEAL OF THE RESTRICTION OR WORKS TO PREVENT IT FROM BEING INCORPORATED INTO THE FY96 BILL.

-- THE MAY 17, 1994 UN SECURITY COUNCIL ARMS EMBARGO

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PROHIBITS "THE SALE OR SUPPLY TO RWANDA ... OF ARMS AND RELATED MATERIEL OF ALL TYPES, INCLUDING WEAPONS AND AMMUNITION, MILITARY VEHICLES AND EQUIPMENT, PARAMILITARY POLICE EQUIPMENT AND SPARE PARTS."

-- THE MAY 26, 1994 EXECUTIVE ORDER IMPLEMENTS THE UN EMBARGO IN THE U.S., BUT DOES NOT FURTHER DEFINE ITS SCOPE.

-- REGULATIONS ISSUED PURSUANT TO THE EXECUTIVE ORDER FURTHER DEFINE CATEGORIES OF EQUIPMENT COVERED BY THE ORDER, ADDING COMMUNICATIONS INTERCEPTING DEVICES, MILITARY SOFTWARE, AND OTHER NON-LETHAL MILITARY EQUIPMENT.

THESE RESTRICTIONS WERE ENACTED IN RESPONSE TO THE GENOCIDAL VIOLENCE AND WARFARE THAT BROKE OUT IN APRIL 1994. THE MEASURES WERE NOT DIRECTED AT NEW GOVERNMENT, BUT THE RESTRICTIONS REMAINED IN EFFECT AFTER THE NEW GOVERNMENT TOOK POWER IN JULY 1994.

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THE RPA'S REQUEST

DURING HIS DECEMBER 1994 VISIT TO WASHINGTON, VICE PRESIDENT KAGAME SAID HE WOULD LIKE THE U.S. TO RESUME IMET TRAINING. HE FURTHER CALLED FOR THE LIFTING OF THE UN ARMS EMBARGO AND OTHER RESTRICTIONS SO THAT THE RPA MIGHT RECEIVE (ESSENTIALLY NON-LETHAL) MATERIAL ASSISTANCE, SUCH AS COMMUNICATIONS GEAR AND VEHICLES. ACCORDING TO DOD'S REPORTING CABLE, SECRETARY PERRY TOLD KAGAME THAT "WE WERE SEEKING LEGISLATIVE RELIEF TO

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RE-INITIATE IMET IN FY95." PERRY THEN NOTED THAT THE UN ARMS EMBARGO AND EXECUTIVE ORDER PROHIBIT THE USG FROM PROVIDING MILITARY EQUIPMENT TO THE RPA, BUT THAT WE MAY PROVIDE THE GOR WITH "MEDICAL AND SCHOOL SUPPLIES AND OTHER NON-LETHAL EXCESS (DOD) EQUIPMENT" UNDER DOD'S HUMANITARIAN ASSISTANCE PROGRAM. HE ADVISED KAGAME TO RAISE THE ISSUE OF THE UN EMBARGO IN HIS MEETINGS AT STATE. KAGAME SUBSEQUENTLY RAISED THE POINT IN HIS MEETING WITH U/S WIRTH, WHO MERELY ACKNOWLEDGED THE REQUEST WITHOUT FURTHER COMMENT OR DISCUSSION.

BUREAUCRATIC HISTORY

WHEN AF AND DRL MET IN 1994 TO DISCUSS IMET PROGRAMS FOR FY96, DRL REFUSED TO AGREE TO IMET FOR RWANDA. JUST BEFORE KAGAME'S VISIT IN DECEMBER, PM DRAFTED A MEMO TO T PROPOSING THE INCLUSION IN THE FY96 BUDGET OF 75,000 IN IMET FUNDING FOR RWANDA. THE MEMO, WHICH WAS APPROVED BY AF, NOTED THE PROHIBITION ON FY95 IMET BUT DID NOT ADDRESS THE ISSUE OF POSSIBLE FY95 IMET REPROGRAMMING IN THE EVENT THE LEGISLATIVE RESTRICTIONS WERE REPEALED. THE MEMO PROPOSED THAT THE IMET PROGRAM WOULD FOCUS PRIMARILY ON EXPANDED IMET COURSES, INCLUDING CIVILIAN CONTROL OF THE MILITARY AND RESPECT FOR HUMAN RIGHTS. HOWEVER, U/S DAVIS DISAPPROVED THE REQUEST AND INSTEAD INSTRUCTED THE DEPARTMENT TO BEGIN EFFORTS TO ENSURE THAT THE CURRENT STATUTORY PROHIBITION IS NOT CARRIED OVER INTO FY96; ASSUMING THIS EFFORT IS SUCCESSFUL, U/S DAVIS SAID THAT, IN LATE CY95, SHE WOULD RECONSIDER FUNDING RWANDA IMET THROUGH REPROGRAMMING OF FY96 FUNDS.

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SINCE KAGAME'S VISIT, DOD HAS BEEN PRESSING FOR ACTION TO REPEAL THE RESTRICTION ON IMET SO THAT FY95 IMET FUNDS MIGHT BE REPROGRAMMED FOR RWANDA. THE PENTAGON ALSO FAVORS LIFTING OR MODIFYING THE UN EMBARGO SO THAT THE RPA WOULD AT LEAST BE ABLE TO OBTAIN COMMUNICATIONS GEAR AND TRUCKS. DOD ACCEPTS KAGAME'S ARGUMENTS THAT THE EMBARGO WAS DIRECTED AT ENDING THE KILLING AND WAS NOT INTENDED TO PUNISH THE NEW GOVERNMENT, AND THAT THE NEW GOVERNMENT HAS THE SOVEREIGN RIGHT TO OBTAIN MILITARY EQUIPMENT FOR NATIONAL DEFENSE, JUST AS DO ALL OTHER (NON-PARIAH) STATES.

VIEW ON THE HILL

H (AF) AND AF/RA HAVE CONSULTED WITH BOTH SIDES ON THE HILL AND FIND NO RESISTANCE TO THE LIFTING OF THE FY95 IMET PROHIBITION. THE HILL RECOGNIZES THAT THE PROHIBITION WAS ENACTED UNDER A VERY DIFFERENT SET OF CIRCUMSTANCES WHICH NO LONGER APPLY. ONE KEY CONGRESSMAN WAS NOT EVEN AWARE THE PROHIBITION WAS STILL IN EFFECT.

POLICY RECOMMENDATIONS

YES ON IMET: WE BELIEVE THAT AN IMET PROGRAM TAILORED TO PROMOTING PROFESSIONALISM AND RESPECT FOR CIVILIAN AUTHORITY AND HUMAN RIGHTS WOULD BE BENEFICIAL IN RWANDA. WE HAVE URGED THE GOR AND RPA TO PREVENT RPA SOLDIERS FROM ENGAGING IN OR ALLOWING REPRISALS, AND A CAREFULLY CRAFTED IMET PROGRAM SHOULD HELP THE RWANDANS MEET THIS COMMITMENT. WE RECOGNIZE THAT TOO CLOSE AN ASSOCIATION WITH THE RPA COULD SUGGEST USG ENDORSEMENT OF

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RPA BEHAVIOR OR CAUSE POLITICAL PROBLEMS IF RPA DISCIPLINE DETERIORATES SERIOUSLY; HOWEVER, WE BELIEVE THE BENEFITS OUTWEIGH THE RISKS AND THAT IMET COULD HELP REDUCE THE LIKELIHOOD OF AN INCREASE IN RPA INDISCIPLINE. THE HILL'S APPARENT WILLINGNESS TO LIFT THE CURRENT PROHIBITION SUGGESTS THAT THE LIKELIHOOD OF NEGATIVE POLITICAL REPERCUSSIONS IS SLIM.

FY95 OR FY96?: IT WOULD APPEAR TO BE TOO LATE TO INCLUDE A LINE ITEM FOR RWANDA IMET IN THE FY96 BUDGET, PARTICULARLY SINCE IT WOULD REQUIRE UNDOING T'S

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DECISION. HOWEVER, T HAS AUTHORIZED EFFORTS ON THE HILL TO END THE PROHIBITION; WE SHOULD PRESS THAT ISSUE. ONCE THE PROHIBITION IS OUT OF THE WAY, WE SHOULD MOVE TO REPROGRAM IMET FUNDS. WE DO NOT AGREE WITH T'S DECISION TO CONSIDER ONLY FY96 FUNDS AND TO WAIT UNTIL THE END OF CALENDAR YEAR 1995 TO DO SO. RATHER, WE SHOULD PURSUE REPROGRAMMING AS SOON AS LEGAL RESTRICTIONS ARE LIFTED. IF THAT CAN BE DONE EARLY ENOUGH IN FY95, WE MIGHT EVEN REPROGRAM FY95 IMET FUNDS (25,000 IS STILL AVAILABLE). ASSUMING LEGISLATIVE RELIEF IS FORTHCOMING FAIRLY QUICKLY, WE RECOMMEND RECLAMING T'S DECISION ONCE THE LEGISLATIVE PROHIBITION IS LIFTED SO THAT WE DO NOT HAVE TO WAIT UNTIL THE END OF CALENDAR YEAR 1995 TO UNDERTAKE REPROGRAMMING.

NO ON LIFTING THE EMBARGO: OUR VIEW IS THAT WE SHOULD NOT PURSUE LIFTING THE UN ARMS EMBARGO AT THIS TIME. FROM A POLITICAL PERSPECTIVE, WE DO NOT WANT TO ENCOURAGE THE RWANDANS TO RESOLVE THEIR DIFFERENCES THROUGH MORE FIGHTING. LIFTING THE ARMS EMBARGO JUST AS INCURSIONS

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ARE MAKING THE NEWS WOULD DEFINITELY SEND THE WRONG SIGNAL. FROM A PRACTICAL PERSPECTIVE, THE RPA DOES NOT NEED THE EMBARGO LIFTED IN ORDER TO DEFEND ITSELF OR PREVENT ANOTHER GENOCIDE. (THIS DISTINGUISHES RWANDA FROM THE DEBATE ON BOSNIA.) MOREOVER, THE GOR/RPA HAS VERY LIMITED RESOURCES AND MUCH BETTER WAYS TO SPEND THEIR MONEY. BOTH THE BELGIAN AND THE UK EMBASSIES HERE HAVE SAID THEIR GOVERNMENTS SHARE THIS VIEW. THE BELGIANS ADDED THAT THEY SAW NO SUPPORT FOR LIFTING THE EMBARGO IN THE SECURITY COUNCIL. OF COURSE, THE TIME MAY COME WHEN MOVING TO LIFT THE EMBARGO WOULD BE APPROPRIATE; INDEED, WE COULD EVEN USE IT AS A CARROT WITH THE GOR; HOWEVER, THAT TIME WOULD NOT APPEAR TO BE IN THE IMMEDIATE FUTURE.

WHAT EQUIPMENT THEN?: EVEN WITH THE EMBARGO IN PLACE, DOD CAN STILL SUPPLY EXCESS, NON-MILITARY EQUIPMENT TO THE GOR, SUCH AS SCHOOL AND HOSPITAL SUPPLIES. SEVERAL REQUESTS FOR SUCH AID HAVE ALREADY BEEN FORWARDED FROM PM TO DOD FOR ACTION. AS FOR (NON-LETHAL) MILITARY EQUIPMENT, THE EMBARGO BY ITS EXPRESS TERMS PROHIBITS THE SUPPLY OF "MILITARY VEHICLES." COMMUNICATIONS GEAR IS AN OPEN QUESTION AT THIS POINT; THE EMBARGO COVERS "MILITARY ... EQUIPMENT," AND U.S. REGULATIONS SPECIFY

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THAT AT LEAST "COMMUNICATIONS INTERCEPTING DEVICES" ARE PROHIBITED. WE UNDERSTAND A SIMILAR ISSUE HAS ARISEN WITH BOSNIA AND, AFTER MUCH ANALYSIS, IT LOOKS LIKE THE USG IS READY TO SAY COMMUNICATIONS GEAR CAN BE PROVIDED TO THE BOSNIANS DESPITE THE ARMS EMBARGO ON THE FORMER YUGOSLAVIA. WHETHER THE LANGUAGE OF THE RWANDA EMBARGO WILL BE SIMILARLY INTERPRETED REMAINS UNCLEAR.

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WE RECOMMEND CONTINUED LEGAL STUDY OF THE SCOPE OF THE EMBARGO AND ACCOMPANYING EXECUTIVE ORDER AND REGULATIONS, BUT BELIEVE WE SHOULD OPPOSE ANY EFFORT TO MODIFY THE EMBARGO OR IMPLEMENTING ORDER/REGULATIONS IF IT IS FOUND THAT THE MILITARY EQUIPMENT IN QUESTION IS COVERED BY THE EMBARGO. IN THIS REGARD, WE NOTE THAT PRIOR TO THE RESUMPTION OF THE CIVIL WAR, WE GAVE IMET ASSISTANCE TO THE RWANDAN MILITARY BUT GENERALLY DID NOT PROVIDE MILITARY EQUIPMENT (EXCEPT FOR SOME ENGINEERING AND BIODIVERSITY ASSISTANCE). WE DO NOT BELIEVE THAT WE SHOULD BECOME A MILITARY EQUIPMENT SUPPLIER FOR THE NEW GOVERNMENT, WHEN WE WERE NOT A SUPPLIER TO THE PRE-APRIL 1994 GOVERNMENT. OTHERWISE, WE MAY BE VIEWED AS FAVORING THE RPF/TUTSIS.

RECOMMENDATIONS

1. THAT WE PROCEED WITH EFFORTS TO SEEK LEGISLATIVE RELIEF FROM THE PROHIBITION ON IMET FOR RWANDA, PER T'S DECISION.

APPROVED DISAPPROVED

2. THAT WE MOVE TO REPROGRAM IMET FUNDS FOR RWANDA AS SOON AS THE LEGISLATIVE PROHIBITION IS REMOVED, IF NECESSARY RECLAMING T'S DECISION THAT WE CAN ONLY CONSIDER REPROGRAMMING FY96 FUNDS AND NOT BEFORE THE END OF CY95.

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3. THAT OUR IMET ASSISTANCE TO RWANDA BE LIMITED TO EXPANDED IMET-TYPE PROGRAMS FOCUSED ON CIVILIAN CONTROL OF THE MILITARY, HUMAN RIGHTS SENSITIZATION, AND RELATED AREAS OF NON-COMBAT TRAINING.

APPROVED DISAPPROVED

4. THAT WE CONTINUE TO SUPPORT PROVIDING THE GOR WITH EXCESS DOD NON-MILITARY EQUIPMENT FOR SCHOOLS, HOSPITALS, ETC.

APPROVED DISAPPROVED

5. THAT WE NOT ATTEMPT TO LIFT OR MODIFY THE ARMS EMBARGO, EXECUTIVE ORDER, OR IMPLEMENTING REGULATIONS. WE WILL CONTINUE TO STUDY WHAT MAY LEGALLY BE PROVIDED UNDER THOSE REGIMES, DEFERRING ANY POLICY DECISION ON MILITARY EQUIPMENT UNTIL LEGAL STUDY IS COMPLETED.

APPROVED DISAPPROVED

CHRISTOPHER

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